

DEPARTMENT OF
COMMUNITY DEVELOPMENT/MUNICIPAL INSPECTIONS
TOWN OF HANOVER

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REGULATIONS GOVERNING THE PRACTICE OF BODYWORK

1.0 AUTHORITY

This regulation is promulgated to the authority granted to local Boards of Health by Massachusetts General Laws Chapter 111, Section 31 that 'Boards of Health may make reasonable health regulations,' and was adopted on _____.

2.0 PURPOSE

The purpose of this regulation is to protect the public health and safety of the community as well as those persons practicing bodywork therapies. The scope of this regulation is broad and includes provisions designed to ensure legitimate operations and to guard against the risk of prostitution, human trafficking and disease transmission.

It is the Board of Health's intent that only individuals who meet and maintain a minimum standard of competence and conduct within the scope of professional practice may provide services to the public. This regulation outlines the requirements for obtaining a permit to practice bodywork and/or permit to operate a bodywork establishment. These regulations also outline the grounds for suspension, revocation or denial of such a permit.

3.0 APPLICABILITY

This regulation shall apply to all Bodywork, Therapy, Reflexology, Spa services and other establishments (hereinafter "establishment") that provide systemic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Further this regulation shall apply to all types of establishments referenced in this regulation. Every operator of such an establishment shall comply with these regulations.

4.0 DEFINITIONS

Administrative Revocation shall mean an administrative action with immediate effect taken by the Board of Health for cause when a permit holder fails to renew a permit, or denies entry to an agent of the Board of Health during the conduct of an inspection. A permit holder whose permit has been administratively revoked cannot lawfully continue to practice as a bodywork therapist or to operate a bodywork establishment in the Town of Hanover. Permits that have been administratively revoked may be reinstated upon meeting the conditions contained in these regulations.

Agent shall mean a person employed and authorized by the Town of Hanover Board of Health to perform functions subject to these regulations

Applicant shall mean an individual seeking licensure who has submitted an official application as provided by the Hanover Board of Health, two forms of identification, a complete CORI/SORI record request form (Criminal Offender Record Information/Sexual Offender Record Information), has provided a photo and has paid the application fee.

Application shall mean the form provided by the Hanover Board of Health which has been completed and signed under penalty of perjury, that the information contained in the application is true and correct, said declaration being duly dated, signed and notarized within the Town.

Board of Health shall mean the Hanover Board of Health ("BOH").

Bodywork shall refer to practices including, but not limited to: Acupressure, Acupuncture, Asian Bodywork, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrated Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Korean Bodywork, Bodymind Acupressure™, Polarity, Macrobiotic Shiatsu, Reflexology, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage or Bodywork, Trager Approach, Tui na, Qi Gong, Zen Shiatsu, Ayurvedic medicine or other practices as they become known.

Certification shall mean successful completion of the most current requirements of the American Organization for Bodywork Therapies of Asia (AOBTA®), National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), American Reflexology Certification Board, or other national membership organization recognized by the Institute for Credentialing Excellence, or its accrediting body, that provides a certificate or credential.

CORI shall mean a record of criminal offenses committed as compiled and reported by the Criminal History Systems Board.

Establishment shall mean any location, or portion thereof, listed on the permit and under the control of an individual operator, which advertises and/or provides bodywork therapy services on

the premises. Any health care facility licensed by an agency of the Commonwealth of Massachusetts, or the office of any health care professional licensed by the Commonwealth of Massachusetts is not an establishment for the purposes of these regulations. In addition, bodywork establishments shall not be located in a private residence, condo, apartment, or other residentially zoned space.

Licensee shall mean a person holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the town of Hanover. Where applicable, this shall include partnerships and/or corporations.

SORI (Sex Offender Registry Information) shall mean a record of convictions for specified sexual offenses as compiled and reported by the Sex Offender Registry Board.

Therapist shall mean a person holding a permit to practice bodywork, which is in his or her name, issued by the Hanover Board of Health.

5.0 EXEMPTIONS

Any physician, chiropractor, osteopath, nurse, physical therapist, occupational therapist, massage therapist or acupuncturist operating under the scope of his/her Commonwealth of Massachusetts license or registration and not representing his/her self as a bodywork therapist shall be exempt from these regulations.

6.0 REQUIREMENTS FOR A PERMIT TO PRACTICE BODYWORK

Any person or entity desiring to open or conduct a commercial business practicing bodywork therapy shall apply for and obtain a bodywork establishment license from the Hanover Board of Health. Any person desiring to be a bodywork therapist at a bodywork establishment shall apply for and obtain an individual bodywork therapist license.

The process for obtaining a permit to practice bodywork is as follows:

- a.) An application shall be obtained from the Hanover Board of Health office. The applicant understands that the BOH has the discretion to grant or deny any requested permit.
- b.) The applicant shall answer all questions truthfully and completely and supply all information requested in the application. The applicant shall submit the completed application to the Board of Health. Any false statement(s) or any statement that the BOH is unable to verify shall constitute grounds for denial.
- c.) The use of aliases is prohibited.

- d.) The applicant shall provide supporting documentation deemed satisfactory to the BOH that he/she is eighteen years of age or older by presenting (2) forms of positive identification. One form must include a photograph, such as a valid driver's license, state identification card or a valid passport.
- e.) All applicants for an individual bodywork permit shall obtain a physician's letter dated no earlier than 6 months prior to the submittal of the application, stating that the applicant has had a physical examination and to the best of the physician's knowledge is up-to-date with adult immunizations and free from communicable diseases and/or conditions that may be transmitted due to close physical contact and detrimental to the public's health.
- f.) The applicant shall submit to the Hanover Board of Health completed CORI and SORI request forms to allow the Hanover Police Department to conduct criminal background inquiries and to report those results to the Hanover Board of Health. For renewal of an existing permit the signature on the renewal application of the applicant gives authorization to the Town of Hanover to run a CORI/SORI background check.
- g.) The applicant shall provide satisfactory evidence of being appropriately certified in any service for which the applicant seeks a permit.
- h.) The applicant for an establishment permit shall include in the application copies of the permits to practice bodywork of all therapists performing bodywork at the establishment. To obtain a permit, an establishment shall have at least one (1) duly permitted body worker employed at all times.
- i.) Applicants for a permit to operate a bodywork establishment shall provide the name or names of individuals that are currently certified in basic Cardiopulmonary Resuscitation (CPR) and a copy of their valid certification form. One individual trained in CPR shall be on site at all times.
- j.) The applicant shall provide proof of coverage by an individual professional liability insurance policy of at least one million dollars (\$1,000,000) per occurrence and at least one million dollars (\$1,000,000) aggregate. The applicant understands and agrees that a condition of any permit is maintaining this insurance. Further, the applicant agrees to provide the BOH with evidence that insurance is in place at any time upon request by the BOH.
- k.) The applicant shall disclose the circumstances surrounding any of the following:
- Revocation or denial of a permit or license to practice bodywork issued by any state or municipality.
 - Loss or restriction of a permit, license or certification by any jurisdiction for any reason.
- l.) The applicant shall submit a non-refundable application fee with their application. The fee will be determined by the Board of Health. An application is not considered complete unless accompanied by the applicable fee.
- m.) All documents submitted for the purpose of obtaining a permit become the property of the Board of Health and will not be returned.

7.0 PERMITS

1. All permits expire on the thirty-first (31st) day of December each year.
2. Permit holders intending to renew a current permit shall submit the appropriate renewal application(s) supplied by the Board of Health office no later than December 1.
3. The applicant shall provide a completed renewal application, including new physician's letter and CORI/SORI forms authorization with required documentation, in person to the Hanover Board of Health office along with the applicable fee, as determined by the Board of Health, no later than December 1.
4. Any permits not renewed by the thirty-first (31st) day of December shall be deemed administratively revoked.
5. Administratively revoked permits may be reinstated by the BOH upon meeting all renewal requirements. Administratively revoked permits may be subject to a reinstatement fee, as determined by the Hanover Board of Health.
6. A permit shall be considered retired if not renewed for more than 12 months. A retired permit may not be renewed; an initial permit application must be submitted to the Department.
7. No permit is transferable in any way; including new ownership or change of location.
8. All permit holders shall notify the Board of Health of a change of name and/or address within thirty (30) days.
9. All permits shall be on display on the premises in a location that is conspicuous, open and obvious to all people entering the establishment.

8.0 CONDITIONS FOR BODYWORK - PRACTITIONERS

- a.) No bodywork therapist shall perform services if either the practitioner, or a patron, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption.
- b.) No licensed therapist shall use the therapist-client relationship to solicit for or engage in sexual activity with any client, whether consensual or otherwise, whether within or outside the establishment, or to make arrangements to engage in sexual activity with any client.
- c.) Bodywork therapists must wash their hands with soap and water immediately before and after administering services to any client.
- d.) Therapists must maintain a sufficient level of personal cleanliness and be clothed in clean and appropriate attire which at no time will expose any portion of the areola of the female breast, or any portion of the pubic hair, cleft of the buttocks, or genitals.
- e.) Clients must be clothed in appropriate attire or draped with clean towels; at no time shall the client's areola of the female breast or any portion of pubic hair, cleft of the buttocks, or genitals be exposed.
- f.) Therapists may not perform services they are not specifically licensed to perform.
- g.) Therapists may not use, or allow patrons to use, alcoholic beverages, illegal drugs, marijuana, whether for medical or recreational use, or controlled substances on the licensed premises.

- h.) For those therapists who conduct business at more than one location, the original license shall remain on file at the first address listed on the license. At any additional locations the practitioner shall post a copy of the original license to which an original Hanover Board of Health stamp has been placed.
- i.) Permits and licenses must be displayed prominently in the waiting room of the establishment.
- j.) Therapists may not administer a massage, unless the individual is properly licensed by the Massachusetts Board of Registration of Massage Therapy AND the premise at which the massage occurs is similarly licensed by the Commonwealth for the conduct of massage.
- k.) Therapists and bodywork practitioners may administer treatment to a person younger than 18 years of age provided that a parent or guardian signs an intake form for the client younger than 18 years of age and provided that the parent or guardian is provided the option to observe the treatment session from inside the treatment room.
- l.) All therapists shall have a valid form of identification on them at all times within the establishment.

CONDITIONS FOR BODYWORK - ESTABLISHMENTS

- a.) Bodywork locations shall not have shades, covers, blackout curtains, etc. in the waiting room or reception area.
- b.) The operator shall provide that all public areas and rooms used for therapy and employee areas are clean and sanitary. The establishment must be well-lighted, adequately ventilated, properly heated, and free from defects that would create a public health or employee safety hazard in accordance with all local, state and federal regulations.
- c.) All equipment, furniture, linens and supplies used in the performance of bodywork shall be maintained in a safe and sanitary manner.
- d.) Every room for therapy shall be equipped with a door and have at least 70 square feet of floor space. All treatment room doors shall not be capable of being locked.
- e.) Standard and portable massage tables must be draped in a clean cloth/sheet and be capable of being cleaned and sanitized after each patron use.
- f.) A sink with hot and cold running water, with a minimum hot water temperature of 110°F, must be located in an easily accessible area within the establishment.
- g.) Restrooms must be made available to customers/employees and shall be located in an easily accessible area within the permitted establishment.
- h.) If any latex-containing materials are to be used, a sign shall be conspicuously displayed that latex-containing products are in use.
- i.) Sanitizers and/or sanitizing equipment should be located in every room and labelled with the ingredients it contains.
- j.) Non-disposable instruments shall be sanitized after use on each person in a manner to ensure cleanliness and/or sanitization.

9.0 GENERAL REQUIREMENTS

- 1.) Hours of operation for any establishment shall be limited to 9:00 AM until 9 PM and 6 PM on Sunday.
- 2.) There shall be a person in charge (PIC) who must be present in the establishment at all times, who shall be so designated by the operator.
- 3.) Not including clients and exempt professionals, only permit holders may be present or employed in an establishment during operation.
- 4.) All permit holders shall notify the Department of any criminal complaint brought against him/her within seven (7) days.
- 5.) All bodywork establishments will keep records of clients who have received services, which may be used in the event a communicable disease incident is communicated to the Department.
- 6.) No room or section of an establishment shall be used as a bedroom, for sleeping purposes, or as a domicile.
- 7.) The holder of a bodywork establishment permit shall be ultimately responsible for the physical facility, instruments, advertising, postings, employees and compliance with these regulations.
- 8.) It is a violation of these regulations for any person who is not licensed in the manner described herein to operate a Bodywork establishment or to operate as an individual Bodywork Therapist.

10.0 ADVERTISING

- 1.) Establishments and therapists shall be mindful of professional ethics when placing advertisements. Advertising in any form of print-media including newspapers and periodicals, on television, radio or any form of internet or web-based marketing in a manner that uses erotic, sexual or provocative language and/or pictures to promote business may be construed as a breach of proper standards of bodywork and will result in the revocation of the license.

11.0 CRIMINAL ACTS

- 1.) At no time shall an individual offer or agree to engage in sexual conduct with another person for a fee per Massachusetts General Law (M.G.L.) Chapter 272, section 53A.
- 2.) At no time shall an individual intentionally expose their genitals or breasts to one or more persons per M.G.L. Chapter 272, section 53.
- 3.) At no time shall an individual permit prostitution on the premises per M.G.L. Chapter 272, section 6.
- 4.) At no time shall an individual derive support from a prostitute's earnings per M.G.L. 272, section 7.

- 5.) At no time shall an individual induce a minor to become a prostitute, or knowingly assist in inducing a person under the age of 18 to become a prostitute per M.G.L. Chapter 272, section 4A.
- 6.) At no time shall an individual commit an “indecent” assault and battery, regardless of age, per M.G.L. Chapter 265, section 13(b) or 13(h).
- 7.) At no time shall an individual engage in natural or unnatural sexual intercourse with a victim; by compelling the victim to submit by force and against his or her will; or by threat of bodily injury per M.G.L. Chapter 265, section 22(a) or 22(b).
- 8.) At no time shall an individual secretly videotape or photograph naked or partially naked people; at no time shall an individual disseminate secretly obtained videos or photographs of nude or partially nude individuals per M.G.L., Chapter 272, section 105.
- 9.) At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport an individual by any means, in order to force them into sexual servitude per M.G.L. Chapter 265, section 51.

12.0 GENERAL ENFORCEMENT

These regulations may be enforced by the Board of Health, Police Department and Fire Department. The Board of Health has sole responsibility to grant, deny, revoke, suspend or modify permits or variances of these regulations. In its discretion the Board of Health may deny renewal, revoke, suspend or modify any permit or certification issued pursuant to these regulations. Examples of reasons for any of these actions include, but are not limited to:

- 1.) Refusal to permit an agent of the Board of Health or other government official to inspect the facility
- 2.) Interference with an agent of the Board of Health or other government official in the performance of their duty
- 3.) A criminal conviction of the license holder relating to the operation of the establishment
- 4.) Failure of the license holder to submit the proper documentation
- 5.) Failure to pay the required license fees or assessed fines or penalties
- 6.) The establishment’s owner, operator, or employee’s failure to comply with these regulations
- 7.) Committing a Prohibited or Criminal Act per section 11.0 of this document
- 8.) Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork.

Operating a bodywork establishment or practicing bodywork so as to cause a threat to the public health or safety shall result in suspension, modification or revocation of a license. Such action by the Board of Health may include ordering other appropriate relief including but not limited to ordering corrections to the physical facility.

These regulations may be enforced through appropriate criminal or civil process and all criminal acts or violations will be enforced by the Hanover Police Department.